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ABSTRACT

This consultant paper is intended to provide information useful to a goal of this curriculum development project in the war/peace field, that is to encourage students to search intelligently for alternatives to war. The most fundamental assumptions used in thinking about international law are described, including some assumptions about systemic relationships. Several conceptual models of arrangements for management, settlement, or the outright prevention of conflict are presented to define features of three systems of international law: 1) Law of Reciprocity, 2) Law of Cooperation, and 3) Law of Subordination. Included in this analysis is background discussion of the international political system and the balance of powers. In addition, problems raised by the assumptions incorporated in each of the three models are indicated. An annotated bibliography of 23 entries is provided. Other consultant papers from this inservice session are SO 001 262 through SO 001 265; related documents from the Diablo Valley Project are SO 001 259 through SO 001 267. (Author/JSB)

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WORLD LAW

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WORLD LAW

One of the papers basic to the planning of the Diablo Valley Project opens with the statement, "How to prevent war is the gravest of all issues in human relations." The author then draws an analogy with disease and traffic accidents, as problems concerning which schools teach elementary measures of prevention. He comments that "prevention of war is (likewise) a discrete and teachable subject."

This is not to imply, however, that we have hidden away somewhere, in some form, a proved prescription for preventing war. The purpose of the analogy is rather to suggest that analysis and diagnosis of the "international conflict disease" has progressed far enough to give us a viable subject matter for study in the schools. Prescription, or at least prescription with good prospects of a cure, is not yet in prospect. However, man is a creature capable of altering by his own reasoned choice the very conditions surrounding problems he encounters. One might hope therefore that advances in the art of understanding the problem of preventing war may lead somehow to an ability to prescribe progressive changes necessary actually to prevent war. Hence this paper, which is intended, in the words of the previously cited document, to "encourage students to search intelligently for alternatives to war." The emphasis should be on "search."

This paper offers not its own prescriptions, but those of others. Even those prescriptions are employed not simply to inventory possible cures, but to raise problems and suggest questions students must face. The procedure is, first to present several conceptual models of arrangements for the "management," settlement or the outright prevention of conflict. Second, problems raised by the assumptions incorporated in each of these models are

indicated, and in an appendix pertinent questions students might be asked about them are given. Third, an annotated bibliography relating to topics associated with each of the models is provided, also in the appendix. An instructor or student resorting to the bibliography will find help available there for the task of querying the implications of each model of law as a prescribed "alternative to war."

The purpose of the models is to lay out the fundamental features of three systems of international law, respectively termed the "Law of Reciprocity," the "Law of Cooperation," and the "Law of Subordination." The first of these corresponds to the idea of World Law. The second conforms fairly closely to the conceptions of "functionalist" theory in International Relations, the third to the idea of World Law.

Partially to illustrate the use for which the models are intended, partially to lay a foundation for discussion of systems of international law (especially the "Law of Reciprocity") we begin by offering a model of the international political system. Let us call it the "Balance of Power" system.

In its simplest form, this model assumes the existence of an uneven number (usually five) powers of approximately equal strength. If one or more of these should challenge another in war, the remainder would be compelled to take a hand. That is, defeat of any one power in the system by another would, it is assumed, so increase the power of the victor as to face the members of the system not taking part in the conflict with an unacceptable threat. These might be next, and with good probability of defeat.

To "take a hand" could mean one of two things: either to line up against the challenger or "disturber," forcing him back to the status quo ante, or to play hard-to-get with both sides in the conflict. In the first

case, a lineup of 4 to 1, or at least 3 against 2 (for we are assuming an uneven number of powers, all of which commit themselves in the dispute) would mean for all the powers the running of the full risk of war. Furthermore, one or more members of the majority, seeing themselves on the side with preponderant power, might be tempted to exploit the advantageous situation by precipitating war and picking up the bulk of the spoils at the expense of her allies. In this situation of danger and distrust, the better choice is the second - play hard-to-get. If the game is well-played, the full risk of war and of possible strengthening of potential rivals battening on the spoils of war will be much reduced.

The "hard-to-get" role is that of the balancer - the power that perhaps finds a 2-2 division and negotiates with both sides while refusing to take the final step of committing itself to either. The United Kingdom - "perfidious Albion" to those who resented her delicate diplomacy - for two hundred years or more played this role among the Great Powers of Europe. She financed and/or intervened on the weaker side against the more threatening one, shifted her favors whenever changes in the balance of threats called for it, and preserved and built her own strength in the process.

A more formal statement of the model can be made in the following terms:

(Elements of Any System)	(Elements of Specific System)
Orienting Concept or Generalized Idea	Balance of Power System An equilibrium of strength, fluctuating within narrow limits among:
Structural Units of the System	The States A state is a political entity with clearly defined boundaries, powerfully organized under centralized political control and bureaucratic administration,

with a monopoly of the use of force, and claiming legal existence under the doctrine of:

Structural Principle	Sovereignty The states is subject to no other state, and has full and exclusive powers within its boundaries. As no other power has the right to compel it to act, there operates in its international affairs only one basic motivation:
Basis of Obligation to Act	Expedient Self-Interest All states in the system make their own sovereign interpretation of their well-being the basis of decision. These self-interested interpretations cannot be expected to harmonize with one another
Action on the Basis of Obligation	Self-help The two possible forms of self-help consist in: 1) mobilizing the power of the state as its own interpretation of self-interests dictates, and 2) seeking to engage other states with one's own in a common self-help enterprise, or:
Characteristic Relationship with Other Units	Alliance A coalition of power among states. As self-interest as interpreted for itself by each state dictates, self-help may take the form of shifts in alignment. Friends may become enemies, enemies friends, by political decision. Noting this, we are returned to the:
Orienting Concept	Balance of Power

It is argued in favor of the Balance of Power that it aids the maintenance of peace. Weaknesses of states that might tempt predators, increments of strength that might induce aggressive behavior within the system, are compensated for by the equilibrating mechanism, and international violence loses its attractions for would-be challengers.

However, one can question the assumptions contained in the model. It is implied, for example, that the relative strengths of the units in the system are readily and accurately calculable. Yet national power is notoriously difficult to assess - as the Israeli victory over the Arabs in June, 1967 demonstrated again. Furthermore, the model assumes infinite flexibility in policy - an ability of policy makers to switch alliances, threaten war, make peace, etc., as interest and self-help considerations dictate. The checks on flexibility imposed by public opinion, emotional sets, or ideological commitments are ignored in the model. It is hard to imagine, even in the era of the Sino-Soviet split, the U.S. and U.S.S.R. making common cause against Communist China in a direct confrontation of the U.S. with China.

These criticisms are merely samples drawn from a large literature on the balance of power concept. They illustrate how we intend to approach the critique of the three models of international law developed in the following pages.

The "Law of Reciprocity"

Examples of this law may be found in the international rules relating to diplomatic immunity, territorial waters, etc. The formal model, presented in the same format as was the model of balance of power, is as follows:

Orienting Concept	Reciprocity Limitation of one's own sovereign freedom or jurisdiction, in the expectation that the disadvantages will be offset by benefits deriving from similar restrictions on jurisdiction by other
Structural Units of the System	States (Definition same as for Balance of Power system)
Structural Principle	Sovereignty The state is subject to no other state, and has full and exclusive powers within its own boundaries. No other power indeed has the right to compel it to act, but each state has concerns that extend beyond the limits of its sovereignty.
Basis of Obligation To Act	Concordant or Complementary Self-Interest States may have concerns within each others' boundaries that do not directly conflict. Thus, there arises the possibility of
Action on Basis of Obligation	Bargaining or Trading Servicing of a state's concerns outside its own sovereign area by other states within which those interests are located; to be traded for servicing of approximately equal interests of the other states within one's own boundaries. This is
Characteristic Relation to Other Units	Accomodation The mutual toleration of limitations on sovereignty, despite occasional or even persistent costs, irritations and strains. Noting this, we are returned to

Orienting Idea — Reciprocity

The "Law of Reciprocity" is in the main stream of international law, a major type with a venerable history. One expert observer remarks, "Reciprocity of interest was the midwife of international law and remains its most effective guardian." (I-433) It has worked as well as it has because "If its prohibitions sometimes interfere with the pursuit of national objectives, this short-term disadvantage is usually outweighed by the considerations that one breach may encourage other violations until the entire structure would collapse to the prejudice of all states." (I-432)

We encounter here, however, the real deficiencies of the "Law of Reciprocity" model - faults which cause men to ask whether international law, at least of this type or form, may accurately be called law. The "Law of Reciprocity" has generally not been legislated, in the usual sense of that term. Its source has traditionally been either custom shown to be accepted by states, or treaties entered into by them. In other words, the function of "legislating" the "Law of Reciprocity" is decentralized to the states that are members of the international system. We can note the results. The many and diverse customary and treaty sources of the law (literally thousands of them) lead to a great lack of precision as to what the law really is. Governments may use this quality to evade legal obligations, through misinterpretation or manipulation of the sources.

Just as there are in this model no provisions for centralized agencies for legislation, neither are there really effective agencies for enforcement. One authority comments, "In the field of adjudication only slightly less than in the field of legislation, it is still the will of the individual nations that is decisive in all stages of the proceedings" in a matter at law. (2-277)

This despite the existence of such bodies as the World Court. In most cases of violation, however, "voluntary compliance prevents the problem of enforcement from arising altogether...the problem of enforcement if acute...in a minority of important and generally spectacular cases." (2-283) In theory, then, the "Law of Reciprocity" has been self-enforcing, and has also in fact been so, in very large measure.

The exceptions to this "self-enforcement" rule are very significant, however. The "Law of Reciprocity" is very closely connected to power, especially to such systems as the Balance of Power. It has indeed been noted by one very prominent student of international law that:

> "...a Law of Nations can exist only if there be an equilibrium, a balance of power, between the members of the family of nations. If the Powers cannot keep one another in check, no rules of law will have any force, since an over-powerful State will naturally try to act according to discretion and disobey the law." (L. Oppenheim, quoted in 2-266).

Some students speak, in fact, of a separate type of international law, the "Law of Power" or the "Law of Political Framework." An example of this would be a set of peace treaties, alliances and the like, enshrining a particular "balance of power" arrangement by defining the relative advantages and mutual commitments of States. The Versailles settlement after WW I has been interpreted as creating a security bloc, directed at preventing a German resurgence. The Locarno Pact and other arrangements of the 1920's revised this "political framework" to readmit Germany as a full member of the state system.

Because the "Law of Political Framework" - a certain balance of power - determines the very nature of what constitutes reciprocity under the circumstances of that balance, we can say that this "Law" will govern the

"Law of Reciprocity." As the balance of power changes, therefore, so might the balance of reciprocity or mutual advantage change, and with it would come the temptation for a state gaining strength and bargaining position to "revise" (i.e., break) international law. Thus might arise that "minority of important and generally spectacular cases" spoken of by Morgenthau where the problem of enforcement becomes acute.

Another difficulty with the "Law of Reciprocity" is perhaps a variant on the notion of a changing "Law of the Political Framework." The existing precepts of the "Law of Reciprocity" developed among European nations, as expressions of their interests. Now we have a new "political framework" - the multitude of new states in Africa and Asia. They tend to see reciprocity in a different light - the old international law governing expropriation of property is one example, the business of tit-for-tat in tariff concessions another - and desire changes in legal principles in line with their views of what would constitute an accomodation of interests.

As pointed out above the "Law of Reciprocity" has no built-in mechanism for "legislatively" adapting to new political circumstances the old legal precepts and hardened cake of international custom. Judicial interpretation and the commentaries of experts are a partial substitute, but change is for the most part left to the hard clash of political interests and power.

Problems of adaptation in our rapidly evolving world have, however, increasingly offered a rationale for international efforts directed at "legislating" urgently needed legal arrangements. Accordingly, there has developed a qualitatively different type of international law, the "Law of Cooperation."

The "Law of Cooperation"

This law is typically associated with permanent international organizations of a technical, scientific or humanitarian nature. In the past 100 years, and particularly since World War II, numerous international organizations have been created to deal with problems of this type which transcend national boundaries. The International Civil Aviation and World Meteorological Organizations are examples.

Orienting Concept	Interdependence Technical, scientific problems or humanitarian concerns transcend boundaries and to some extent place in the hands of others the well-being of the peoples of
Structural Unit	Any Political Entity Any territory, whether sovereign or not, affected by a given problem. These may all be considered participants in a
Structural Principle	Community of Concern An expressed recognition that the problem in question not only requires action but is for all political entities it encompasses a
Basis for Obligation to Act	Identical Interest Conquest of the problem involves the most economical and efficient realization of the same values for all, and therefore politics (except perhaps at a petty level of administration) is irrelevant, hence
Action of Basis of Obligation	Contribution of Resources and Support Building of a common body of rules, expertise, specialized equipment, etc., implying

Characteristic Relationship of Units	Collaboration Cooperation in developing organization and resources, rules, etc., for attacking the problem, and extension of service to one another as indicated by the nature of the problem. All this expresses in concrete form
Orienting Concept	Interdependence

The "Law of Cooperation" is the rules (such things as postal conventions, aviation rules, and the like) adopted to govern the collaborative effort. As indicated earlier, it is a partial expression of the "functionalist" idea, as that term is used in international relations. This idea is a very attractive one to people strongly committed to a more peaceful world. It is attractive because it predicts that as interdependence grows in various spheres of activity, so will there come into being more and more international organizations devoted to collaborative efforts to solve the problems interdependence brings with it. Politics necessarily is transcended, so the argument runs, for the problems have to be dealt with in their own technical or scientific terms, not in the light of political constellations on the international scene, if they are to be handled effectively. For the U.S.S.R. to refuse weather data to the U.S., and vice versa, would not make much sense in technical-scientific terms, for a world weather organization so handicapped could not do much by way of prediction of weather. Finally, as "functional" international organizations wax in numbers and scope, their law, the international "Law of Cooperation", would also grow relative to the more politically based or sensitive types of international law.

The theory goes on to indicate that to undermine or sabotage the growing "Law of Cooperation" should become more and more difficult. To refuse for political reasons to cooperate with or participate in the regulation of radio interference, control of epidemic disease, and the like, is in the end to damage one's own permanent interests in getting those things done efficiently and effectively in a world where the sources of things affecting one's country are increasingly located outside the country. It might even come to pass, if the theory is correct, that states would find it best to conform to the letter of their agreements and submit if necessary to international adjudication of disputes, lest they be punished by withdrawal of services.

All this is merely theoretical, of course. When we examine the assumptions of the model more closely, we find some major difficulties; the model seems to reflect life only dimly, intermittently, and partially.

It is a partial reflection because, as pointed out earlier, the "Law of Cooperation" tends to touch only technical, scientific or humanitarian areas of concern. Both Communist China and the United States participate in certain enterprises, such as the international regulation of the mails through the Universal Postal Union. But the fact that they do so does not touch the fundamental political problems between the two states. Both would do quite happily without such international services as the U.P.U. if weighty issues of politics intervened.

The "Law of Cooperation" is "dim" or inadequate in some circumstances for much the same kind of reasons. States may or may not view themselves as having similar concerns. Even if they do, their "identical interests" may not be shared with the same <u>intensity</u>. Those that choose to contribute to and collaborate in an international organization may do so to very differing degrees. It has been alleged, for example, that Italy, although a full

participant in the international organizations for the regulation of civil aviation, has provided ground control services and equipment of inferior quality. Flying into, out of, or even over Italy seems to have become something of a high risk enterprise at one time, because of her relative lack of collaboration.

From such factors as these arises the intermittent way in which the model reflects reality. What appears to be an arena for the "Law of Cooperation" may in a twinkling of the eye be transmuted into that of the "Law of Reciprocity", as identical interests become merely complementary ones, joint contribution of resources accordingly turns into hard bargaining over the terms on which contributions will be made, and collaboration converts into some form of uneasy accomodation. The "Law of Cooperation" is, in other words, in good part an ideal rather than a reality. Often, it is difficult to distinguish it from the "Law of Reciprocity."

Yet it is something that exists apart from and qualitatively different from the "Law of Reciprocity." The assumptions involved receive expression in a multitude of public international organizations and conferences on the types of concerns previously indicated. These organizations and conferences commonly create governing codes and agreements, and in so doing they express what is most characteristic of the "Law of Cooperation." This law is much less decentralized and imprecise than the "Law of Reciprocity", for while the latter is "legislated" in thousands of actions scattered over many years, the former is much more usually codified as carefully coordinated and wide-reaching written rules. As a result, the "Law of Cooperation" will presumably be easier to enforce or to adjudicate. The technical or scientific character of the subject matter may also make the rules more certain in application. However, deep differences can exist even here. The nuclear test ban treaty

was held up for some years partly because of disagreements over technical matters, such as the possibility of detecting underground nuclear explosions under certain circumstances. The eventual solution was to leave these particular questions largely outside the treaty's area of concern.

The "Law of Subordination"

Any one of literally thousands of "peace plans" devised over the past several hundred years might qualify under this heading. Some envisaged supra-national courts only, others added organizations to legislate internationally and agencies to enforce the law. All such plans have the following common:

Orienting Concept	World Law
	A single affective legal order to assure resolution of disputes or conflicts without war.
Structural Unit	Usually the State, but ranges from the individual up through the state and even to regions of the world.

The individual may stand by himself as citizen of the supra-national community, or be represented by social groupings of which he is a part. All are somehow organized under:

Structural Principle	Authority
	Legal jurisdiction in one or more aspects (judicial, legislative, executive) is distributed upward through one or more strata of organization, to the world level. This (assumed, not actual) delegation of power requires to be effective a

Basis of Obligation to Act	Human Solidarity The notion that men, as individuals and in their social groupings, do or ideally ought to share to a relatively high degree agreement on the objects of their being and a positive emotional response to other men and their social artifacts. Especially in a nuclear age, with its dangers for all men if conflict breaks out, ought to be expressed by
Action on Basis of Obligation	Recourse to Peaceful Settlement (Adjudication, etc.) Cases and complaints are brought for settlement to impartial authority operating under legal rules. The units enjoy
Characteristic Relationship to Other Units	Equal Subordination of the Law; "Equality before the Law" The rules of the world community are applied to all alike, regardless of differences in power or status. Thus is expressed
Orienting Concept	World Law

Analysis of these assumptions immediately reveals flaws. Most significantly the concepts in this scheme are not mutually supportive. Within other systems explained here, they are; in the Balance of Power framework, Self-interest flows both logically and empirically from the idea of sovereignty as doctrine received and acted on by decision-makers. There is also a reflexive empirical relationship, in that successful self-help and appeal to self-interest often may strengthen claims to sovereignty. A successful nationalist movement will owe international recognition in part to this phenomenon. The corresponding concepts solution to those who fear the possible corruption of power in an international "super-state."

The notion of "world public opinion" turns out to be chimerical, or at least chameleon-like. The idea has proved unreliable. The response to that discovery has been to introduce the concept of regionalism into the discussion. If solidarity will not support peacefiving or peace-enforcing authority on the world level, perhaps regional solidarities are strong enough to undergird regional authority, regional international organization. This conception of the matter helps solve such problems as the deep differences in outlook which lie between Communist and democratic regions of the world.

Turning from concept of solidarity to that of authority, we find a wide range of proposals. At the lower end, there are those who stress that law creates opinion (i.e., that the very existence of authority, even though it be merely the idea of a superior law or morality, engenders solidarity). Thus, the Peace Society of Massachusetts in the early 19th century declared that "the solemn assertion of great and important principles by men of distinguished rank and influence has a beneficial operation on society by giving to these principles an increased authority over the consciences of those by whom they are professed; by reviving and diffusing a reverence for them in the community..." (3-288) Other "peace plans" propose merely the creation of an international judiciary. Men who fear power less - we might call them the "hawks" of this discussion - stress even more the development of a complex of international organizations. They go beyond the creation of a judicial body, to the question of international legislative and enforcement functions as well.

From this point, the topic of world law ramifies into broader fields. Enforcement of that law is seen to require a world peace-keeping force. That in turn requires appropriate financing arrangements, as well as general disarmament in order that the peace-keeping force appear credible. Furthermore, if change by force is to be unlawful, then channels for orderly and peaceful

change need to be provided. The concept of an international executive and legislative arrangement to carry forward such tasks as economic development therefore seems relevant to a world living under law.

These are interesting implications of the idea of world law. They demonstrate how broadly the topic, "world law," can be defined, how big the subject can become. Perhaps a first order of business in any more extensive discussion than that undertaken here should be to fix upon a suitable definition. One might ask, for example, whether world law differs from world government, and if so, in what respects.

At this point it would be well to return to the fundamental problem. The basic concepts of the world law scheme of thought in empirical terms are not sufficiently supportive of one another for the structure to bear the weight it is asked to carry. In particular, the solidarity or value consensus is weak or variable. Absence of solidarity makes it difficult to know what will work, and hopes, hunches or strictly logical constructions concerning international authority fill the breach. On one hand, we find immense variety of proposals about patterns of organization within a system of world law. On the other, we have numerous well-organized campaigns on behalf of this or that structure of world law, or on behalf of the idea itself, the whole constituting a "bootstrap" effort to reach consensus and solidarity.

It seems possible that the apparent fruitlessness of all this effort is related to the tendency to define world law very broadly. Perhaps it should be defined in terms of the particular, as the "Law of Cooperation" tends to be. This law arises out of definite and specific concerns - the health of children, the problems of telecommunications, and so forth. In the same fashion, one can imagine a sizeable "Law of Subordination" being created out of concern for particular things. In this decade, for example, the

problem of control of the nuclear genie has brought into being the Test Ban Treaty and a draft non-proliferation treaty, to be joined to the already existing International Atomic Energy Commission. The atom is no mere technical-scientific problem, but a first-class political one. The international law being created about it has definite political implications, and probably should be classified as part of the "Law of Subordination." Today, it is too early to say - we need to study carefully the characteristics of the two bodies of law to develop an opinion as to appropriate classification of the body of law on nuclear matters.

The assumptions upon which men tend to base their behavior change with changing conditions. That is the significance of at least the last two types of international law discussed in this paper. The problem of the student of world law is to discover, not only actual and possible shifts, but to understand the conditions under which they are likely to occur. This paper has attempted to describe the most fundamental assumptions used in thinking about international law - including some assumptions about systemic relationships. Although it contains indications and even suggestions about possible patterns of change in such assumptions, much more investigation is needed further to elucidate the topic. The attached bibliography and sample questions are intended to be of assistance in this task.

Appendix A Questions on International Law

1. Can international law grow through codification, new legislation, and increase in case law?

2. Can we progress in efforts to place control of force in the hands of an accepted and legal international organization?

3. Can the states agree upon methods and procedures for peaceful changes in existing legal relationships, and minimize recourse to physical coercion?

4. Can the compulsory jurisdiction of the courts broaden in scope and enhance the growth of international law?

5. Can the new international organizations of our era work in harmony with international law and so evolve a new dimension of control over the states?

6. Can international law extend to the individual - assuring him of his rights against his own state and, conversely, punishing him for wrong-doings even when cloaked in the authority of his state?

7. Must international law adjust to the fact that most sovereign states have non-Western cultures, or is the fear that it is too narrowly rooted in traditional European cultures unjustified?

Footnotes

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Annotated Bibliography

Anand, R.P., "The Role of the 'New' Asian-African Countries in the Present International Legal Order," American Journal of International Law, 56 (April 1962), pp. 383-406.
Reviews some of the literature arguing either side of the question. He concludes that cultural or value differences aren't all that significant for a world legal order.

Bloomfield, Lincoln, "Law, Politics and International Disputes," International Conciliation #516, (January 1958), pp. 257-316.
In part a historical review of International Law, in part an institutional description of dispute settlement. Quite a bit of material in brief span.

Cousins, Norman, In Place of Folly, New York, Harper and Brothers, 1961, 59 pp.
Proposal for changing U.N. to ensure enforcement of World Law.

Falk, Richard A. and Saul H. Mendlovitz (eds.), Strategy of World Order, New York, World Law Fund, 1960, Vols. I, II, and III.

Selections from Volume I (Strategy of World Order: Toward a Theory of War Prevention)

Hutchins, Robert M., "Constitutional Foundations for World Order," pp. 75-78.
A very brief selection but it raises important questions, particularly about the connection between law, law, government and the "sense of community."

Wright, Quincy, "Toward a Universal Law for Mankind," pp. 83-89.
Short but valuable. Deals with the question of necessary social prerequisites for effective world law through world government. Wright emphasizes the role of public opinion.

Selections from Volume II (Strategy of World Order: International Law):

Fisher, Roger, "Bringing Law to Bear on Governments," pp. 75-86.
Attempts to answer the question, "Why do governments obey law?" He argues that compliance with law is not coerced but flows from recognition of self-interest both nationally and internationally.

McWhinney, Edward, "Soviet and Western International Law and the Cold War in the Era of Bipolarity: Inter-Block Law in a Nuclear Age," pp. 189-231.
A consideration of Soviet and Western views and uses of international law, illuminated by a case study of the Cuban missile crisis. Raises some interesting questions about international law in a nuclear age.

Selections from Volume III (Strategy of World Order: The United Nations):

Brierly, James L., "The Prohibition of War by International Law," pp. 454-471.
Suggests guidelines for creating an international system with powers to prevent war. He emphasizes the role of law in a system where national defense capabilities would be maintained.

Friedmann, Wolfgang, "National Sovereignty, International Cooperation and the Reality of International Law," pp. 508-523.
Points to the value of "cooperative law" on economic and welfare questions as part of the enforcement and sanction machinery of the U.N. De-emphasizes military force as a means of peace keeping.

Higgins, Rosalyn, "Law, Politics, and the United Nations," pp. 39-49.
Discusses the activities of the U.N. as an important source of international law concerned with the relationship between law and politics.

Kaplan, Morton A. and Nicholas de B. Katzenbach, "The Institutions of International Decision Making," pp. 414-431.
A survey of available legal institutions and procedures for peaceful settlement of disputes. Contains some interesting observations on the role of national courts.

Tammes, A.J.P., "The Introduction of a New Legislative Technique," pp. 50-70.
A study of the decisions of international organizations as a source of international law. Includes much historical data on "legislation by decision."

Feller, A.H., United Nations and World Community, Massachusetts, Little, Brown and Co., 1952, 153 pp.
Contains a chapter titled "Towards World Law."

Hemleben, Sylvester, Plans for World Peace Through Six Centuries, Chicago, University of Chicago Press, 1943.

and

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Hemleben has described in some detail a limited number of "peace plans" dating from the 14th to the 20th centuries. The second book gives brief resumes (usually less than a page) of literally hundreds of "peace plans."

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